

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JONATHAN DEWAYNE COOPER

PETITIONER

v.

No. 4:12CV77-A-S

WARDEN R. BYRD, ET AL.

DEFENDANTS

FINAL JUDGMENT

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated April 10, 2013, and the April 16, 2013, objections to the Report and Recommendation, the court finds that the petitioner's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated April 10, 2013, is hereby **APPROVED AND ADOPTED** as the opinion of the court.

2. That the State's motion to dismiss is **GRANTED**.

3. That the instant petition for a writ of *habeas corpus* is **DISMISSED** with prejudice as untimely filed.

4. That this case is **CLOSED**.

THIS, the 4th day of September, 2013.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE